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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,514	06/07/2001	Robert J. Davies	PHGB000108	9203
24737	7590	04/21/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ABELSON, RONALD B	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/876,514

Applicant(s)

DAVIES, ROBERT J.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 7-11 rejected under 35 U.S.C. 102(e) as being anticipated by Haartsen (US 6,574,266).

Regarding claims 1, 2, 8, and 11, Haartsen teaches a communications system comprising a primary station (fig. 7B box 210) and at least one secondary station (fig. 7B box 250), wherein the primary station has means for broadcasting a series of inquiry messages (col. 10 lines 60-65), each in the form of a plurality of predetermined data fields arranged (base station's identity, system information, paging information, col. 10 lines 60-65) according to a first communications protocol (fig. 4 box 402, Bluetooth, col. 4 line 26) , and means (fig. 4 box 402) for adding to an inquiry message prior to transmission an additional data field for polling at least one secondary station (paging information, col. 10 lines 60-65), and wherein the or each

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polled secondary station has means for determining when an additional data field has been added to the plurality of data fields, for determining whether it has been polled from the additional data field and for responding to a poll when it has data for transmission to the primary station (col. 11 lines 17-20).

Regarding claim 3, a primary station as claimed in claim 2, characterised in that means are provided (fig. 4 box 402) for adding the additional data field at the end of a respective inquiry message.

Regarding claim 4, a primary station as claimed in claim 2, characterised in that means (fig. 4 box 402) are provided for including an indication in one of the predetermined data fields, the indication denoting the presence of the additional data field (paging information, col. 10 lines 60-65).

Regarding claim 5, a primary station as claimed in claim 2, characterised in that the first communications protocol comprises Bluetooth messaging (Bluetooth, col. 4 line 26).

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Regarding claim 7, a primary station as claimed in claim 2, characterised in that first radio means are provided for broadcasting substantially continuously inquiry messages having the additional data field (fig. 8: see stream of BC's, paging information, col. 10 lines 60-65) and second radio means are provided for handling other aspects of communication links with secondary stations (system information, col. 10 lines 60-65).

Regarding claim 8, in addition to the limitations previously presented a secondary station (fig. 7B box 250) for use in a communications system comprising a primary station (fig. 7B box 210), wherein means are provided for receiving an inquiry message (fig. 4 box 404) broadcast by the primary station (remote terminals are locked to the base station).

Regarding claim 9, a secondary station as claimed in claim 8, characterised in that the first communications protocol comprises Bluetooth messaging (Bluetooth, col. 4 line 26).

Regarding claim 10, a secondary station (fig. 7B box 250) as claimed in claim 8, characterised in that means are provided for responding to a poll after a predetermined interval has passed without transmission of data, whether or not the

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secondary station has data for transmission (col. 11 lines 17-20).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haartsen (US 6,574,266) as applied to claim 1 above, and further in view of Matai (US 4,766,434).

Haartsen is silent on the additional data field / paging signal comprises at least 64 bits of data.

Matai teaches the additional data field / paging signal comprises at least 64 bits of data (col. 3 lines 41-44).

Therefore it would have been obvious to one of ordinary skill in the art, having both Haartsen and Matai before him/her and with the teachings [a] as shown by Haartsen, a Bluetooth communications system comprising a primary and at least one secondary station, and [b] as shown by Matai, a paging signal

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comprising a 62 bit preamble, a 31 bit frame sync, and a 31 bit address, to be motivated to modify the system of Haartsen by transmitting the paging signal of Matai. This would improve the system since the paging signal of Matai has been tested and proven to be reliable.

#### ***Allowable Subject Matter***

5. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 12, nothing in the prior art of the record teaches or fairly suggests not all inquiry messages have an additional data field for polling a secondary station added to them in view of the prior art teachings of Haartsen, in combination with all the other limitations listed in the claim.

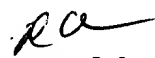
#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ronald Abelson  
Examiner  
Art Unit 2666

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4/16/04



DANSTON  
EXAMINER